

**From:** Shawn P. Garbett  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:17am  
**Subject:** Microsoft Settlement

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Dear Renata B. Hesse,

I'm against an easy settlement against Microsoft. I've been a programmer in the industry for sixteen years and Microsoft has truly made certain aspects of my job difficult.

Time and time again over these years they have abused their position to their profit. Like for example, they published a developer's standard for versioning. Then when they broke that standard, it forced everyone who was developing for their software to buy upgrades to their development tools if you wished to release products for the Microsoft environment. This not only cost companies across the company major money in forced licensing, but also time in retooling their programming departments. Then after the wave of complaints from developers, they had the nerve to do it again and again and again.

They continue to take industry standards and with a well known strategy of theirs, they adopt the standard. Then once they get a majority of users on their side of the fence using their tools they change the standard. Several times they have attempted to copyright their extensions, so that noone else can interoperate with their software. This causes a wave of programming development throughout the industry for no gain other than increasing Microsoft's dominance. More money and wasted effort on the part of programmers and IT departments throughout the world. With no real benefit to anyone but Microsoft.

A full fifty percent of my time over my career has been spent reworking things that don't need reworking because Microsoft has a plan for industry dominance that forces programmers to rework. During this time, microsoft has not shown much concern for the user with the frequent reboots required and total lack of security in it's products.

The UNIX tools I used when I started have grown and changed some over the years. But the originals still work, the standards they were built upon still work. I can't find a single Microsoft tool or "standard" I originally used that would still work in a reasonable manner.

Microsoft needs swift and harse penalties for it's anti-competitive policies that have caused years of set back in the industry. This productive energy that has been wasted playing their game could have been spent on innovation.

Proposals for the settlement:

1) I think if anything comes from the judgement, that Microsoft should not be allowed to "Adopt and Extend" any published standard. The adopt part is fine, the extend or change is not. Example: They adopted Kerberos and have created a set of extensions to make their software incompatible. They have copyrighted those extensions.

2) They should not be allowed to break their own standards for versioning of system libraries. The release of different versions of system libraries with the same version number should be prohibited. This is the dirty trick they used to force upgrades of their compilers and some users.

3) They should be forced to open their source code to their operating systems (i.e. Windows) to the world. I've written several packages to interoperate with Microsoft products only to notice that their own function in a superior manner. Upon investigation, they were using unpublished back doors. Any software working through the "front door" was penalized in performance and reliability, while their own development departments were using the secret "back door". Published source code would prevent such hamstringing of developers, as any "back door" would be immediately apparent. This would also have the effect of "auditing" their code for security problems and force them to upgrade many security holes. This would actually benefit users greatly in terms of performance, reliability and security. Any anti-competitive pieces of code would be easily identifiable.

4) I'm highly in favor of splitting the company between an OS company and a tools company. This be the easiest, lowest policing method of insuring many abuses don't occur in the future. If you don't think this is necessary, then put it as a penalty clause for violating any terms of the final judgement. Then if they go back to their predatory practices, they will be split.

Thank you,

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